

USSN 09/540,178
Page 7

RECEIVED
CENTRAL FAX CENTER

JUN 22 2007

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed March 22, 2007. In the Action, the Examiner notes that claims 1-14 and 26 are pending, of which claims 1-14 and 26 stand rejected. Claims 17-19 were previously withdrawn.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Therefore, Applicants believe that this application is now in condition for allowance.

It is to be understood that, by amending the claims, Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

REJECTIONS

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 1-10 and 26

The Examiner has rejected claims 1-10 and 26 under 35 U.S.C. §103 as being unpatentable over Sawicz et al. (U.S. Patent No. 5,889,775 hereinafter "Sawicz") in view of Imanaka (European Patent No. EP0854610 hereinafter "Imanaka"). The rejection is respectfully traversed.

Neither Imanaka nor Sawicz mentions head-end controllers and the combination would not result in a number of head-end controllers coupled to each server module via at least two signal paths, wherein a head-end controller sends a plurality of identical communications to a server module, wherein each of said plurality of identical communications between the head-end controller and the server module is coincidentally sent through the at least two signal paths. (See e.g., Applicants' specification, p. 6, l. 26 – p. 7, l. 2.)

558011-1

USSN 09/540,178

Page 8

The Examiner concedes that Sawicz fails to teach or suggest wherein a head-end controller sends a plurality of identical communications to a server module, wherein each of said plurality of identical communications between the head-end controller and the server module is coincidentally sent through the at least two signal paths. (See Office Action, p. 5, ll. 21-23.) However, the Examiner alleges that Imanaka bridges the substantial gap left by Sawicz.

In response, the Applicants herein amend independent claim 1 to clarify what the Applicants' believe was already inherently recited in independent claim 1. Specifically, independent claim 1 now recites the limitation of "wherein a head-end controller sends a plurality of identical communications to a server module, wherein each of said plurality of identical communications between the head-end controller and the server module is coincidentally sent through the at least two signal paths." Notably, Imanaka fails to teach or suggest this limitation.

In contrast, Imanaka teaches two nodes 10 and 20 that have two system devices A and B. (See Imanaka, FIG. 1.) However, Each system device A of node 10 and node 20 communicate over a single path. (See *Id.*) Similarly, each system device B of node 10 and node 20 communicate over a single path. (See *Id.*) Advantageously, the Applicants' invention teaches wherein each of said plurality of identical communications between the head-end controller and the server module is coincidentally sent through the at least two signal paths.

To illustrate the difference between the Applicants' invention and Imanaka, if the system A communication line 1 were to fail, neither node 10 nor node 20 would be able to send system A communications (the same would apply for system B communication line 2). (See Imanaka, FIG. 1). However, If for example, a first signal path in the Applicants' invention were to fail, the identical information sent via the first signal path would still be sent from the head end controller to the server module via the second signal path. Therefore, the Applicants' invention provides an added layer of redundancy that Sawicz and Imanaka, alone or in any permissible combination, fails to teach or to suggest.

As such, Applicants submit that claim 1 is not obvious and fully satisfies the requirements under 35 U.S.C. §103 and is patentable thereunder.

558011-1

USSN 09/540,178

Page 9

Furthermore, claims 2-14 and 26 depend, either directly or indirectly, from independent claim 1 and recite additional features thereof. As such, and for at least the same reasons discussed above, Applicants submit that these dependent claims also fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 11

The Examiner has rejected claim 11 under 35 U.S.C. §103 as being unpatentable over Sawicz in view of Imanaka, in further view of Deitz et al. (U.S. Patent No. 6,578,158, hereinafter "Deitz"). The rejection is respectfully traversed.

For the same reasons given above with respect to claim 1 and because Dietz is generally directed to computer memory systems and controlling redundant arrays of independent disks, claim 11 is also patentable over the combination of Imanaka, Sawicz, and Dietz. (Dietz, col. 1, lines 8-12). The computer memory system of Dietz is different than the claimed video distribution system. For example, the computer memory system lacks a head-end and subscriber equipment. Dietz fails to teach or suggest the claimed head-end controllers of the video distribution system. There is no motivation or suggestion in the disclosure of the computer memory system of Dietz or the other references cited to make a combination for the claimed video distribution system with a head-end and associated subscriber equipment. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claims 12-14

The Examiner has rejected claims 12-14 under 35 U.S.C. §103 as being unpatentable over Sawicz in view of Imanaka, in further view of Deitz, and in further in view of Miyamoto et al. (U.S. Patent No. 5,845,061, hereinafter "Miyamoto") The rejection is respectfully traversed.

USSN 09/540,178

Page 10

For the same reasons given above with respect to claims 1 and 11 and because Miyamoto is generally directed to a client server alternation control system reduced in influence caused by alternation control of a server conducted when a fault has occurred, claims 12-14 are also patentable over the combination of Imanaka, Sawicz, Dietz, and Miyamoto. (Miyamoto, col. 1, lines 6-9). The client server alternation control system of Miyamoto is different than the claimed video distribution system. For example, the client server alternation control system lacks a head-end and subscriber equipment. Miyamoto fails to teach or suggest the claimed head-end controllers of the video distribution system. There is no motivation or suggestion in the disclosure of the client server alternation control system of Miyamoto or the other references cited to make a combination for the claimed video distribution system with a head-end and associated subscriber equipment. Therefore, Applicants respectfully request that the rejection be withdrawn.

558011-1

USSN 09/540,178
Page 11

RECEIVED
CENTRAL FAX CENTER

JUN 22 2007

CONCLUSION

Thus, Applicants submit that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/22/07

EJ Wall

Eamon J. Wall, Attorney
Reg. No. 39,414
(732) 530-9404

Patterson & Sheridan, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702